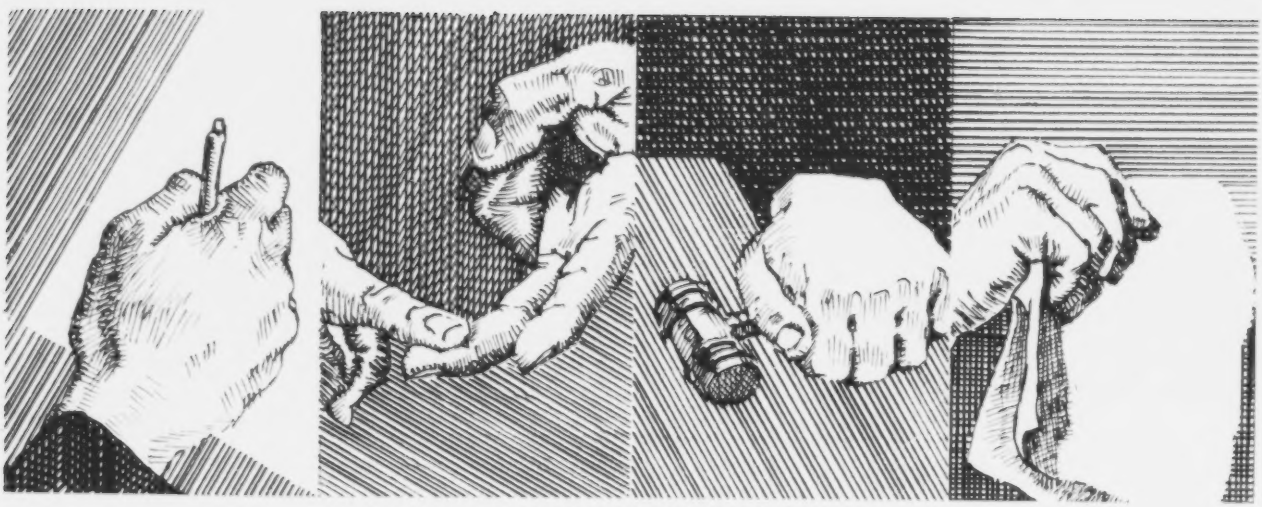
Un 3/14

Electing Union Officers

U.S. Department of Labor
Office of Labor-Management Standards
1986

NEWARK PUBLIC LIBRARY
JUN
U. S. GOVT. PUBS.
DEPOSITORY 325



L 1.2:

This booklet presents general information about the requirements of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) for the election of union officers. It is not an official interpretation of the provisions. The Department of Labor's official statement about the election requirements is codified from the Federal Register in Part 452 of Title 29 of the Code of Federal Regulations.

Material contained in this publication is in the public domain and may be reproduced, fully or partially, without permission of the Federal Government. Source credit is requested but not required. Permission is required only to reproduce any copyrighted material contained herein.

READEX FICHE best copy available

Electing Union Officers

U.S. Department of Labor
William E. Brock, Secretary

Office of Labor-Management Standards
1986

Contents

1. Unions covered by the election provisions of the acts 5
2. Who must be elected and how often 7
Offices to Be Filled By Election 7
Trusteeships—A Special Case 7
Frequency of Elections 8
Unexpired Terms of Office 8
Questions and Answers 8
Summary 8
3. Nomination procedures 9
Basic Provisions 9
Reasonable Notice for Nominations 9
How to Notify 9
Who May Be Nominated 9
Who Is Ineligible 10
Questions and Answers 11
Summary 11
4. Campaign rules 13
Basic Provisions 13
Distribution of Literature 13
Inspection of Membership Lists 13
Use of Union and Employer Funds 13
Questions and Answers 13
Summary 14
5. Election procedures 15
Basic Procedures 15
What Is a Member in Good Standing? 15
What Is a Secret Ballot? 15
Notice of Election 15
Uncontested Elections 16
Counting and Keeping the Ballots 16
Right of Candidate to Have Observer 16
Right of Member to Support Candidate 16
Election of National and International Officers at a Convention 16
Election of Officers of an Intermediate Body 16
Questions and Answers 17
Summary 18
6. Protesting elections 19
Any Member May File a Complaint 19
Availabe Remedies Must Have Been Invoked or Exhausted 19
Filing a Complaint with the Secretary 19
The Role of the Secretary 19
The Role of the Federal District Court 21
Validity of Challenged Elections 21
Violation of Title III—Trusteeship Standards 21
Enforcement under the CSRA 21
Summary 21
7. Relation of the bill of rights to the election provisions 23
Equal Rights 23
Freedom of Speech and Assembly 23
Protection of the Right to Sue 23
Safeguards aginst Improper Disciplinary Action 23
Enforcement of the Bill of Rights 23
Summary 24
8. Application of other laws 25
9. Election procedures checklist 26
Appendix A. Electing union officers by mail: Suggestions and safeguards 27
Appendix B. Excerpts from the Labor-Management Reporting and Disclosure Act of 1959, as Amended 29
Appendix C. Excerpts from title VII of the Civil Service Reform Act of 1978—Federal Service Labor-Management Relations 35
List of OLMS field offices 36

1. Unions covered by the election provisions of the acts

Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as Amended (LMRDA or the act) establishes election procedures that must be followed by all unions covered by the act, regardless of whether their constitution and bylaws so provide. The act does not spell out detailed procedures; rather, it sets minimum requirements. Beyond this, elections are to be conducted according to the constitution and bylaws of each union, as long as the union's rules do not conflict with the provisions of the act.

The LMRDA applies primarily to unions that represent employees in private industry. Under sec. 1209 of the Postal Reorganization Act, unions of U.S. Postal Service employees are also subject to the LMRDA. Most unions of other Federal Government employees are subject to the standards of conduct provisions established in 5 U.S.C. 7120 by the Civil Service Reform Act of 1978 (CSRA). Regulations implementing these provisions have been issued by the Assistant Secretary for Labor-Management Standards in Parts 457-459 of Title 29 of the Code of Federal Regulations (29 CFR Parts 457-459). Sec. 458.29 of the regulations applies the substantive election requirements of title IV of the LMRDA to unions subject to the CSRA, but the regulations establish a different method of enforcing these substantive requirements. (For a more detailed discussion of the unions that are covered by the CSRA, see the pamphlet *Rights and Responsibilities under the LMRDA and the CSRA* or *Reports Required under the LMRDA and the CSRA.)*

The election requirements are not aplicable to unions that are subject to neither the LMRDA nor the CSRA, such as unions composed entirely of employees of States and subordinate governmental units such as counties and cities.

The election provisions in title IV apply to national and international unions, except federations of these unions such as the AFL-CIO; to intermediate bodies such as general committees, conferences, system boards, joint boards, or joint councils; and to local unions. These provisions, however, do not apply to State and local central bodies, which are excluded from coverage under the act.

A "mixed" local—one that contains both covered and noncovered members—is subject to the act. An international or national union or an intermediate body that has any mixed or covered locals is likewise subject to the act. Further, while the election requirements generally do not apply to a local union composed entirely of government employees not covered by the act, there is an important exception. When such a local participates in the election of officers of its parent union which is subject to the election requirements, then the title IV election procedures must be followed. The same is true in the case of the election of delegates who elect officers of a national or international union or of an intermediate body covered by the act. A local union composed exclusively of city maintenance employees, for instance, would be required to elect, by secret ballot, delegates to a convention of its international union who participate in the election of the international officers, if the international is subject to the act.

Although the act is limited to the activities of persons and organizations within the territorial jurisdiction of the United States, an international union or intermediate body is not exempt from requirements of the act by virtue of the participation of its foreign locals or foreign membership in its elections. For example, votes received from Canadian members in referendum elections held by an international union with headquarters in the United States must have been cast under procedures meeting the requirements of the act, and delegates from Canadian affiliates participating in conventions where officers of the international body are to be elected must have been elected by secret ballot.

Vice President

Secretary

President

Executive Board Member

Treasurer

Executive Board Member

Executive Board Member

Voting Delegate to Convention that Elects Officers

Executive Board Member

2. Who must be elected and how often

Offices to Be Filled by Election

The act requires that all officers be elected. But what does "officer" mean? The act defines the term as "any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body." A constitutional officer is any person holding a position identified as an officer by the constitution and bylaws of the union. All constitutional officers must be elected, even if they do not perform any executive functions. The major union offices (the president, vice president, secretary, treasurer, and members of executive boards or similar governing bodies) must be filled by election. In addition, any person who has executive or policymaking authority or responsibility must be elected even though he may not occupy a position identified as an officer position under the union's constitution and bylaws.

Most shop stewards, for example, are not required to be elected because they normally do not exercise executive functions. However, a shop steward would qualify as an officer (and thus become subject to the act's election requirements) if he were so designated in the union's constitution or if, as a steward, he were a member of the union's executive board. In many cases the business agent or business representative of a union has duties that result in his position falling within the definition of "officer." For example, if he has primary responsibility for the control and management of the union's funds and fiscal operations, he would be considered an officer for purposes of the act.

In addition, any delegate who votes for officers of a national or international union or an intermediate body, such as a conference or a council, must be elected by secret ballot among the members in good standing of the union he represents. If the constitution and bylaws state that one of the functions of a particular elected officer is to be a delegate who votes for officers, a special election of that officer to be a delegate is not necessary if the officer has been elected by secret ballot among the members in good standing of the union he represents.

While all union officers, including members of executive boards or similar governing bodies, must be elected, the act provides a choice for some types of unions between direct secret ballot elections by the members and indirect elections by delegates or officers representing the members.

Thus, officers of a local union must be elected directly by secret ballot among the members in good standing. Officers of a national or international union, on the other hand, may be elected either by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot. Officers of an intermediate body may be elected either by secret ballot among the members in good standing of the constituent unions, or by officers of the constituent unions who represent the members and who have been elected by secret ballot.

Professional and other staff members of a union need not be elected if they do not determine policy but are employed only to carry out the union's policy decisions. These persons are subject to the control and direction of the elected officials, and the act does not require such professional or other staff members to be elected.

The act does not require elections for union officials who do not perform executive functions, are not officers under the constitution and bylaws, and are not members of the executive committee or similar governing body of the union. However, the union's constitution and bylaws may require that such positions be filled by election. In this case, the procedures of title IV need not be followed since the holders of these kinds of positions are not considered officers under the act.

Trusteeships—A Special Case

When a union is under trusteeship, it is unlawful under sec. 303 of the act and 29 CFR 458.27 to count votes of delegates of the trusteed union in any convention or election of officers of the parent international union or an intermediate body unless the delegates have been chosen by secret ballot in which all members in good standing of the trusteed union were eligible to vote.

The act does not require that a trusteed union be represented by delegates at a convention of its parent union. However, it may send delegates with full voting powers if they have been elected by a secret ballot election in which all members in good standing were eligible to vote. The trusteed union may also send delegates not elected by secret ballot, but it would be unlawful to count votes cast by these delegates in any election of the parent union officers or on any issue or other resolution presented to the convention.

When a regular election or an election for the purpose of terminating the trusteeship is held during the trusteeship period, the election safeguards of title IV must be applied.

Frequency of Elections

The maximum period allowable between regular elections of officers is stated explicitly in the act. Elections must be held as often as required by the union's constitution and bylaws, but—

- At least **every 5 years** in all national and international unions;
- At least **every 4 years** in all intermediate bodies such as general committees, system boards, joint boards, joint councils, and conferences; and
- At least **every 3 years** in local unions.

These periods are measured from the date of the last election. These requirements do not prohibit incumbent officers from being reelected at the end of their terms of office.

Unexpired Terms of Office

Frequently during the term of office, a union official will resign or a vacancy will occur for some other reason, such as the death of the incumbent. The act is silent on the specific point of what should be done in filling the unexpired term of office. A union may therefore fill such a vacancy by using the procedure provided in its constitution and bylaws. The procedure should comply with the general standards of union procedure set forth in title I (the bill of rights) of the LMRDA or 29 CFR 458.2. The provisions of sec. 504 of the LMRDA, which prohibits persons convicted of certain crimes from holding office for up to 13 years after their conviction or release from imprisonment, also apply to the filling of vacancies, as do the prohibitions of 29 CFR 458.36 for unions subject to the CSRA.*

Questions and Answers

May a local union elect its officers every year? Yes. The act specifies the longest time intervals permitted between elections. They must be held more often if this is provided for in the union's constitution and bylaws.

May the executive committee appoint delegates to the international convention when one of the delegates' duties is to vote in the election of international officers? No. They must be elected by secret ballot among the members in good standing.

Must shop stewards be elected by secret ballot? Not ordinarily, but they must be elected by secret ballot if they exercise executive functions within the local, if they are designated as officers by the constitution and bylaws, or if they serve on the executive board or a similar governing body.

Must the chief shop steward be elected by secret ballot? If he is a constitutional officer or a member of the executive committee by virtue of being chief shop steward, or if he exercises executive functions within the local, he must be elected by secret ballot.

Must the sergeant-at-arms be elected by secret ballot? If the holder of this position is designated an officer by the constitution and bylaws, if he performs any executive functions, or if he is a member of the local union's executive committee by virtue of being sergeant-at-arms, he must be elected by secret ballot.

May the officers of a local be authorized to represent the local at conventions of the parent body by virtue of their election to office, or must the delegates be elected specifically for each convention? The constitutional duties of an officer may include representing the local as a delegate to conventions of the parent body. When this is the case and the officer has been nominated and elected in accordance with the requirements of title IV, his election as an officer fulfills the requirement that convention delegates be elected by secret ballot, and no separate election as a delegate is required. Ballots used in the election for such an officer should contain a statement to the effect that the officer, by virtue of his election to office, will serve as a convention delegate.

Summary

- All officers of local unions must be elected by secret ballot among the members in good standing.
- All members of executive boards or similar governing bodies of local unions must be elected by secret ballot among the members in good standing.
- All delegates to conventions of national or international unions or to intermediate bodies must be elected by secret ballot among the members in good standing if the delegates are to vote in the election of officers of the national or international unions or intermediate bodies.
- All officers of national or international unions and of intermediate bodies must be elected either directly by secret ballot among the members or indirectly through representatives elected by secret ballot.
- Professional and other staff members who do not determine policy and who are subject to the control of elected officials need not be elected.
- Officers must be elected at least every 3 years in local unions, at least every 4 years in intermediate bodies, and at least every 5 years in national and international unions.

*See the discussion of these provisions on page 10.

3. Nomination procedures

Basic Provisions

The act requires that all members in good standing be given a "reasonable opportunity" to nominate candidates of their own choice. It also requires that the procedures followed in making nominations be in accordance with the union's constitution and bylaws, insofar as these are not inconsistent with the requirement for "reasonable opportunity."

Reasonable Notice for Nominations

A union must give reasonable notice of:

- The offices to be filled by election;
- The date and time for submitting nominations;
- The place for submitting nominations; and
- The proper form for submitting nominations, that is, whether written, orally from the floor, or by some other method.

Reasonable notice must be given so that all members in good standing have enough time to nominate candidates of their choice for office.

How to Notify

Methods for reasonable notification include:

- Mail notice to each member in good standing within a reasonable time before nominations are held. The act does not prohibit the use of a single notice of both nominations and election if it gives members reasonable time to nominate candidates and also meets the requirement for election notices;
- Timely publication in union newspaper which (1) is reasonably calculated to reach all members in good standing and (2) actually provides reasonable opportunity for nominations to be made; or
- Other means in accordance with the constitution and bylaws of the union which (1) are reasonably calculated to reach all members in good standing and (2) actually provide reasonable opportunity for nominations to be made.

Who May Be Nominated

Every member in good standing is eligible to be a candidate and to hold office subject to reasonable qualifications in the union's constitution and bylaws that are uniformly imposed. The factors that must be considered in determining whether a qualification is reasonable include the following:

- Its relation to the legitimate needs and interests of the union;
- Its relation to the demands of the union office to which it is applied;
- The number of members who are disqualified by its application;
- A comparison of the qualification with the requirements for holding office generally prescribed by other unions; and
- The degree of difficulty union members have in meeting the qualification.

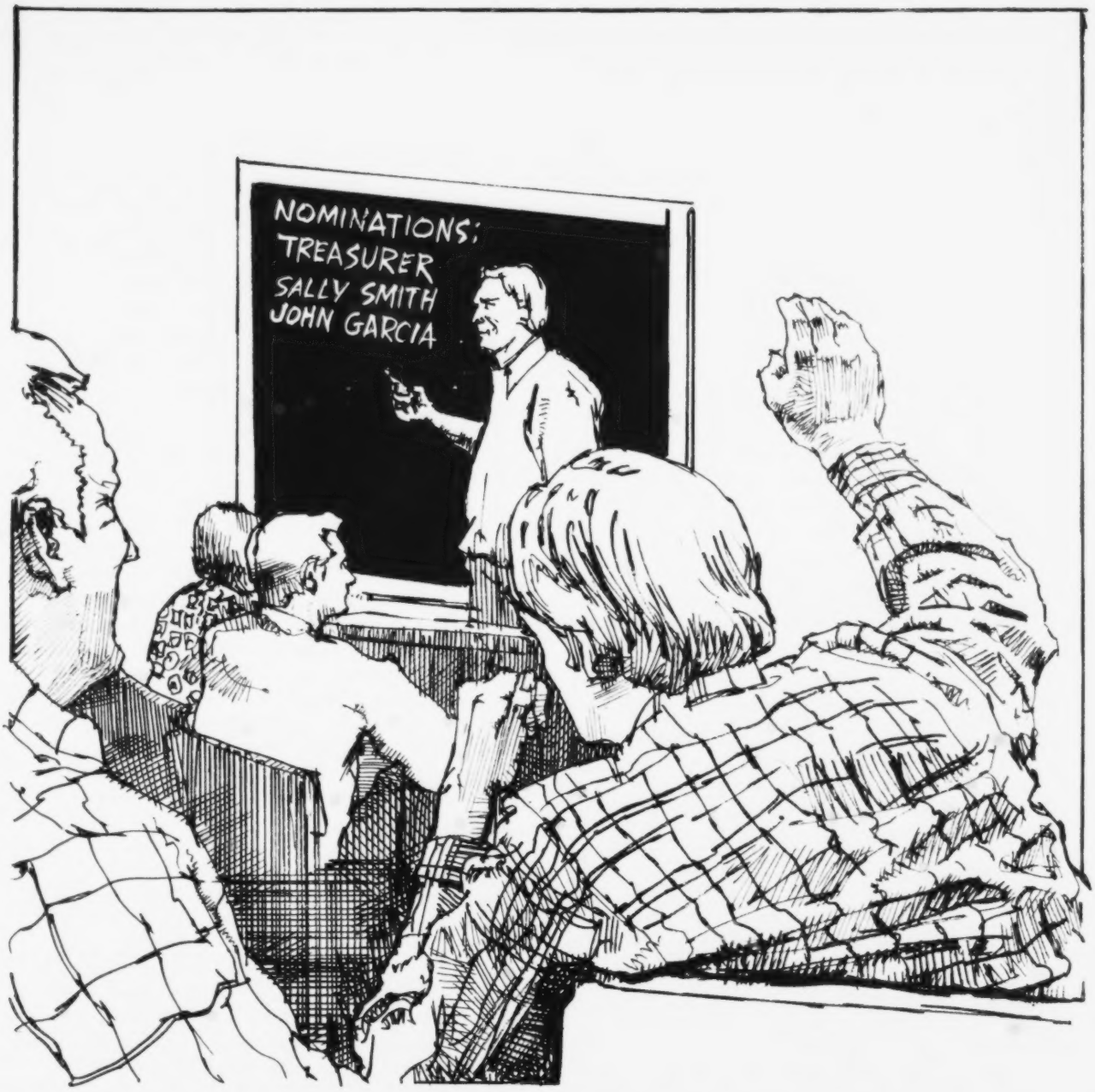
For example, it would ordinarily be reasonable for a union to require a candidate to have been a member for a minimum period of time before the election, not to exceed 2 years in the case of a local.

It may also be reasonable for a union to require that candidates attend a specified number of regular meetings during a period immediately preceding an election. However, the Supreme Court in *Steelworkers, Local 3489* v. *Usery*, 429 U.S. 305, 94 LRRM 2203, 79 L.C. ¶11,806 (1977), held that a rule requiring attendance at 50 percent of local meetings for 3 years preceding an election unless the member was prevented by union activities or working hours was unreasonable. The rule had resulted in 96.5 percent of the members being ineligible for office. The Court concluded that "Congress, in guaranteeing every union member the opportunity to hold office, subject only to reasonable qualifications, disabled unions from establishing eligibility qualifications as sharply restrictive of the openness of the union political process as is petitioners' attendance rule."

In addition, prescribing eligibility for nomination based on geographic, craft, shift, or similar lines is normally considered reasonable for a position representing such a membership unit.

Qualifications for office that seem reasonable on their face may not be proper if they are applied in an unreasonable or nonuniform manner. An essential element of reasonableness is that members receive adequate advance notice of the requirement. A qualification that is not part of the union's constitution and bylaws or other properly enacted rules may not be the basis for denial of the right to run for office unless it is required by Federal or State law. When a union adopts a new qualification requiring positive action by members (such as a meeting-attendance requirement), the union may not apply the requirement until members have had an adequate opportunity to satisfy it.

It is a violation of the act to disqualify a member in good standing from being a candidate for alleged delay or default in the payment of dues if his dues are checked off by his employer according to his voluntary



authorization as provided for in a collective bargaining agreement. However, if during the time allowed for the payment of dues in order to remain in good standing, a member on a dues checkoff system has no earnings from which dues can be withheld, he may be held responsible for paying his dues in order to remain in good standing.

Unreasonable requirements include:

- Payment of a filing fee;
- A declaration of candidacy several months prior to nominations;
- Prior officeholding; and
- Qualifications that limit candidacy to persons of any particular race, color, religion, sex, or national origin and are therefore inconsistent with the Civil Rights Act of 1964.

Who Is Ineligible

Though in general every union member in good standing who meets the union's reasonable and uniform requirements may be a candidate for office, sec. 504(a) of the act specifically bars certain persons

from holding office in any position which involves decision making authority concerning funds or other property of a union. Persons convicted of "robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III. . ." of the act and other enumerated offenses are not eligible to hold office for up to 13 years after conviction if there has been no imprisonment, or for up to 13 years after the end of the period of imprisonment.

For unions subject to the CSRA, 29 CFR 458.36 incorporates this prohibition and extends it to apply to any person who (1) has been convicted of, or has served any part of a prison term resulting from his conviction for, violating 18 U.S.C. 1001 by making false statements in reports submitted to the Department of Labor, or (2) has been determined by the Assistant Secretary for Labor-Management Standards after administrative proceedings to have willfully committed acts prohibited by the trusteeship provisions of 29 CFR 458.27.

Under certain circumstances, the acts may allow for a shorter bar period of at least 3 years. The prohibitions apply unless citizenship rights taken away are restored or special permission is obtainted before the end of the maximum 13-year period from the U.S. Parole Commission (for unions subject to the LMRDA) or the Assistant Secretary (for unions subject to the CSRA).

Some courts have held that the period of imprisonment includes not only the period of actual confinement in prison but also any period of parole. The U.S. Parole Commission has held, however, that "imprisonment" refers only to the period of actual confinement in prison. A union may, within reasonable limits, adopt stricter standards than those contained in sec. 504(a) by extending the period of disability beyond 13 years or by barring from office persons who have been convicted of crimes other than those specified. (See Appendix B for the text of pertinent parts of sec. 504.)

A union's constitution and bylaws may contain reasonable rules for deferring the eligibility of a certain class or classes of members to run for or be elected to office. For example, such rules may apply for a reasonable period of time to apprentices or to new members. If a member is involuntarily compelled to transfer from one local to another, however, a rule requiring a period of prior membership in the new local would not be reasonable if the member is not given credit for his prior period of membership. A union may not limit eligibility for office to a particular branch or segment of the union when the restriction has the effect of depriving members who are not in the branch or segment of the right to become officers of the union.

In certain unions it is customary for members to retain their membership in good standing when they become supervisors. These members may not hold office, however, if their doing so would violate the Labor Management Relations Act, 1947, as amended (the Taft-Hartley Act), which makes it an unfair labor practice for any employer (including persons acting in that capacity) to dominate or interfere with the administration of a union.

Questions and Answers

Can nominations and elections be held at the same local union meeting? Yes, if the union affords all candidates the campaign safeguards in sec. 401(c) of the act, such as sufficient time and opportunity to inspect membership lists in certain instances and to distribute campaign literature. A member may be a candidate for office even if he has not been nominated. Other applicable safeguards in sec. 401 of the act must be provided, including the mailing of a combined nomination and election notice at least 15 days in advance, and the use of a secret ballot.

Can an officer hold more than one office in a union? Yes, if this is consistent with the union's constitution and bylaws. Nothing in the act prohibits multiple officeholding.

Does the act bar from officeholding all persons who have ever been convicted of any crime? No. The restrictions on officeholding apply only to certain specified crimes for a maximum of 13 years following conviction or imprisonment, whichever is later.

A union placed a notice of nominations on the last page of its newspaper, among, and indistinguishable from, the classified advertisements. Does this constitute reasonable notification? No. Prominent display on page one of the paper would clearly be reasonable. At the least, the notice should be placed so that it will be clearly visible at a casual reading of the paper by members of the union to whom the notice is addressed.

Summary

- A union must provide reasonable opportunity for nominating candidates.
- A union must provide reasonable notice of the offices to be filled and the date, time, place, and proper form for submitting nominations.
- Notice may be by mail, timely publication in the union newspaper, or other effective means.
- All members in good standing may be candidates and hold office, subject to the restrictions of sec. 504(a) or 29 CFR 458.36 and to reasonable qualifications uniformly imposed.
- In general, persons convicted of crimes listed in sec. 504(a) or 29 CFR 458.36 may not hold office for up to 13 years after the period of imprisonment, or up to 13 years after conviction if there was no imprisonment.

VOTE
SMITH
PRESIDENT
125

4. Campaign rules

Basic Provisions

The act sets forth certain basic standards for union election campaigns. A union may also enforce other rules if they do not conflict with those prescribed in the act.

The act forbids the use of union resources to support a favored candidate for office over any other candidates, and it specifically prohibits the union and its officers from discriminating among candidates with respect to certain procedures and use of facilities.

Distribution of Literature

A union must honor all reasonable requests by a candidate to distribute campaign literature at his expense to all members in good standing, whether the distribution is by mail or some other means. The union may not censor the contents of campaign literature it is requested to distribute. It must treat all candidates fairly. If its distribution of campaign literature for one candidate is without charge, then its distribution for all candidates must be without charge. Treating all candidates the same by refusing to honor any and all reasonable requests for distribution of campaign literature at the candidates' expense is not permitted, however. To avoid charges of unequal treatment among candidates, the union should inform all candidates in advance of the conditions under which it will distribute literature and should promptly advise them of any change in those conditions.

Inspection of Membership Lists

Each bona fide candidate has the right to inspect a list containing the names and last known addresses of all members of the union who are subject to a collective bargaining agreement that requires membership in the union as a condition of employment, such as a union-shop or a maintenance-of-membership agreement. This right to inspect does not include the right to copy and is limited to once within 30 days before the election. In the case of a mail-ballot election, the right to inspect must be granted within the 30-day period before the ballots are mailed to members.

The union is required to refrain from discriminating in favor of, or against, any candidate with respect to the use of lists of union members. A candidate may be allowed to copy lists of union members if the union permits it. If one candidate is allowed to make a copy, however, then all candidates must be allowed to copy the lists if they so desire.

The requirements that a union must comply with reasonable requests for distribution of campaign literature and refrain from discrimination among candidates with respect to the use of membership lists may be enforced before the completion of an election by private legal action by any bona fide candidate in a union that is subject to the LMRDA.

Use of Union and Employer Funds

A union may not use funds received from dues, assessments, or similar levies to promote the candidacy of a particular individual in a union election. These funds may, however, be used for:

- Notices;
- Factual statements of issues not involving candidates; and
- Other expenses necessary for holding an election.

Employers may not contribute funds, directly or indirectly, in support of the candidacy of any person for union office under any conditions. This prohibition includes any costs incurred by a union or an employer and anything of value contributed by a union or employer.

Questions and Answers

May a local union sponsor a debate at a union meeting among all the candidates for a union office? As long as no candidate is shown preference over another by the union, there is no prohibition against using dues, assessments, or similar levies to pay the normal costs of a meeting at which all candidates for an office are permitted to express their views to the membership.

Must a union distribute campaign literature for a person who wishes to be nominated to run for office? Yes. The act uses the terms "candidate" and "bona fide candidate" rather than the term "nominee" in describing the persons entitled to this right. Most courts have held that a person may be a candidate for office before he has been nominated to run for that office.

Does the act prevent a union-financed newspaper or magazine from including a section in which all bona fide candidates may state their case? The act prohibits the use of certain union funds "to promote the candidacy of any person in an election subject to the provisions of this act." Whether publicity in the union newspaper promotes the candidacy of any person is obviously a matter of fact to be determined in each case. However, if a union newspaper merely makes equal space available to each bona fide candidate running for any particular office, it would be difficult to show that this promoted the candidacy of any particular individual.

Summary

- A union must honor all reasonable requests to distribute campaign literature at a candidate's expense.
- A union may not use any funds received from dues, assessments, or similar levies to promote any person's candidacy.
- No employer may contribute cash or anything of value to the campaign of any candidate.
- If there is a collective bargaining agreement requiring union membership as a condition of employment, such as a union-shop or maintenance-of-membership agreement, a candidate has the right, once within 30 days before the election, to inspect a list of members subject to the agreement, but not to copy it.
- Privileges extended to one candidate must be extended to all. For example, if literature is distributed at a reduced rate on behalf of one candidate, then all candidates must be granted equal service by the union on the same terms, and if any candidate is allowed to copy membership lists, all candidates must be given the opportunity to do so.

5. Election procedures

Basic Procedures

The act requires that a local union elect its officers by secret ballot among the members in good standing, subject to reasonable rules uniformly imposed.

A national or international union may elect its officers either by secret ballot among the members in good standing (referendum) or at a convention of delegates chosen by secret ballot among the members in good standing. An intermediate body may elect its officers either by secret ballot among the members in good standing or by union officers or delegates elected by secret ballot vote of the members they represent.

Although the act requires that a secret ballot be held among the members in good standing, it does not prescribe in specific detail the election procedures that must be followed. The election must satisfy the "ground rules" specified in the act and, in addition, it must be in accordance with the constitution and bylaws of the union concerned. Reasonably in advance of the election, a union must notify its members of any constitutional amendments relating to the election.

What Is a Member in Good Standing?

According to the act, a member in good standing of a union is "any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization."

Not all members in good standing may be eligible to vote, however. A union may prescribe reasonable rules and regulations for voting eligibility. For example, a reasonable period of prior membership, such as 6 months or 1 year, may be required, or apprentices may be required to complete their apprenticeships. Temporary deferment of the right to vote may thus be reasonable in some cases, but the creation of permanent or quasi-permanent classes of nonvoting members would normally violate the act.

Furthermore, a member in good standing whose dues have been checked off under a collective bargaining agreement according to his voluntary authorization may not be disqualified from voting (or being a candidate) because of alleged delay or default in the payment of dues. If, however, during the time allowed for the payment of dues in order to remain in good standing, a member on a dues checkoff system has no earnings from which dues can be withheld, he may be held responsible for paying his dues in order to remain in good standing.

What Is a Secret Ballot?

The act defines a secret ballot as "the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote. . . cast in such a manner that the person expressing such choice cannot be identified with the choice expressed." To secure secrecy at the polls, a union should provide such facilities as curtains, screens, partitions, separate rooms, booths, or separate voting areas. In addition to providing facilities for a secret ballot, the union is responsible for insuring that voters do actually cast their votes in secret.

If the election is to be in the form of a mail referendum, the union must take appropriate steps, such as the use of double envelopes, to insure that the identity of the individual members will not be disclosed as their marked ballots are submitted and counted. (See Appendix A of this booklet for suggested safeguards in conducting a mail ballot referendum.)

Notice of Election

A union must mail a notice of election to each member at his last known home address not less than 15 days before the election. The election notice may be combined with the nomination notice, as long as the union allows reasonable time for nominations. In an election involving balloting by mail, the union must mail the notice of election at least 15 days before the date by which ballots must be mailed back in order to be counted.

Although the act does not prescribe the physical form of the election notice, it must specify the date, time, and place of the election and the offices to be filled and must be in a form reasonably calculated to inform the members of the impending election. If the election is a regular, periodic election of all officers and the notice so indicates, further specification of the offices to be filled is not necessary.

Publication of the notice in a union newspaper is considered adequate notice if the newspaper is mailed to the last known address of each union member and if the union can reasonably expect this form of publication to bring the notice to the members' attention. A conspicuous front-page notice would normally satisfy this requirement. On the other hand, a notice published among, and indistinguishable at a glance from, classified advertisements would normally

not be considered reasonably calculated to inform all members. At the very least, the front page of the publication should contain a conspicuous item alerting the member to the notice contained elsewhere in the paper.

Uncontested Elections

An election of officers or delegates in which the act would normally require the use of a secret ballot need not be held by secret ballot when all candidates are unopposed and the following conditions are met:

- The union provides a reasonable opportunity for nominations;
- Write-in votes are not permitted, as evidenced by a provision in the constitution and bylaws, a properly adopted resolution, or established union practice; and
- The union complies with all other provisions of title IV.

Counting and Keeping the Ballots

In every election held under title IV of the act, votes cast by members of each local union must be counted and the results published separately. For example, where officers of a national union or intermediate body are elected directly by members, the votes of each local must be tabulated and published separately to insure that the results of the voting in each local are made known to all interested members. The publication need not show, however, the distribution of votes by sections within the local.

In a local election, the presentation of the election report at a regular local membership meeting, and the entry of the report in the minutes, would normally satisfy the publication requirement if the minutes were available for inspection by members or if copies of the report were made available. In an election involving more than one local, results may be published by notice on appropriate bulletin boards or in a union newspaper, or by any procedure that allows members to obtain the information without unusual effort.

In addition, all ballots, including used, unused, and challenged ballots, envelopes used to return marked ballots in a mail ballot election, tally sheets, and related election documents, must be kept for 1 year by the election officials designated in the constitution and bylaws of the union conducting the election or by the secretary of the union, if no other official is designated.

Right of Candidate to Have Observer

In every election required under the act, each candidate must be permitted to have observers:

- At each polling place; and
- At the counting of the ballots.

Furthermore, a candidate may have as many observers at the counting of the ballots as may be necessary to observe the actual counting and to insure a fair election. Candidates must be permitted to have observers at all phases of the counting and tallying process, including the counting and tallying of the ballots and the totaling, recording, and reporting of tally sheets. In a mail-ballot election, candidates must be permitted to have an observer present at the preparation and mailing of the ballots and at their receipt, opening, and counting.

Right of Member to Support Candidate

The act further prescribes that in the exercise of the right to support candidates of his choice, a member may not be subjected to penalty, discipline, or improper interference or reprisal of any kind by the union or any of its members.

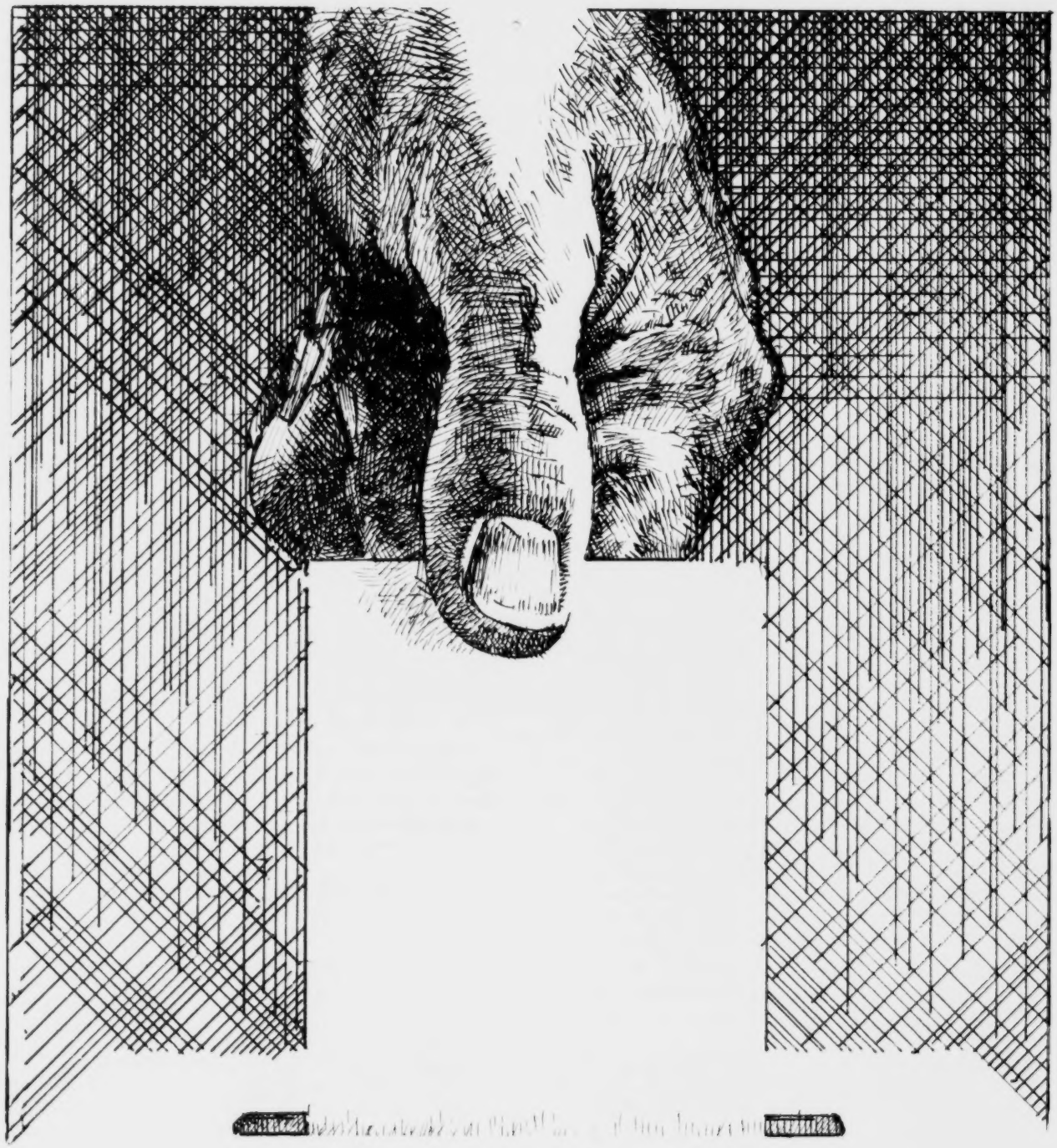
Election of National and International Officers at a Convention

An election of officers of a national or international union may be held either by secret ballot of the members or at a convention of delegates elected by secret ballot. Where elections are by secret ballot of the members, the union must comply with all the requirements of the act relating to secret ballot elections. In addition, the union must conduct the election in accordance with its constitution and bylaws, insofar as they are not inconsistent with the election requirements of the act.

As long as officers of a national or international union are elected at a convention of delegates chosen by secret ballot and in accordance with the provisions of a constitution and bylaws that are not inconsistent with the requirements of the act, the manner in which the delegates cast their votes is not subject to special limitations. The act, therefore, does not require that the election of officers at a convention be by secret ballot. However, the delegates participating in such an election of officers must have been elected by secret ballot in accordance with the standards of the act. Nothing prohibits convention delegates from voting by proxy if the constitution and bylaws permit such a practice.

Election of Officers of an Intermediate Body

An election of officers of an intermediate body such as a conference, general committee, joint or system board, or joint council may be either by secret ballot among the members of the unions represented in the intermediate body or by the officers or delegates representing the members. The officers or delegates who represent particular organizations in the election of officers of the intermediate body must have been elected by secret ballot of their respective memberships. Union officers who have been elected



by secret ballot and who by virtue of their election to office are also delegates to the intermediate body would qualify to vote in the election of officers of the intermediate body if the constitution and bylaws so provide.

The elections in the intermediate body are to be conducted in accordance with its constitution and bylaws insofar as they are not inconsistent with the provisions of the act.

Questions and Answers

Does hand delivery of the notice of the election constitute compliance with the notification provisions of the act? No. The act specifies that notice of the election must be mailed to the last known home address of all members not less than 15 days before the election. No other method of notification can be substituted for this requirement although additional means of notification may be used.

If a member of the union is working on a job away from home and is temporarily living away from home, is it permissible to mail the notice of election to him at his temporary address? Yes. The law does not specify that the last known home address be the permanent home address. If, for example, a construction worker would more likely receive a notice of election while at the rooming house where he lives temporarily than at his permanent home, the notice may be sent to the temporary address. Similarly, if a sailor would more likely receive a notice of election while aboard a ship than at his permanent home, the notice may be sent to the ship.

May the insertion of a notice of the election in a union newspaper mailed to the last known address of each member at least 15 days before the election be considered to satisfy this part of the act? Yes, if the announcement is properly displayed so as to attract the attention of the members.

May a ballot be used as the notice of election? Yes, if the ballot is mailed to the voter at least 15 days before the time and date set for the return of the ballots, and the instructions for marking and returning the ballot are clear and complete.

May an international union or intermediate body deny local unions with less than a stated number of members the right to be represented at conventions where officers are elected? No. The act requires that the officers be elected "by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot." If such a policy denies small local unions the opportunity to participate in the election of officers, it violates the act.

May a union refuse to accept write-in votes? Yes, if the refusal is based on a provision in the union's constitution and bylaws, a properly adopted resolution, or an established practice of the union. However, the act's requirement that votes must be counted and the results published implies that the counting and reporting should account for all ballots cast in the election. Any properly marked votes on the ballot must be counted.

May a union be required to provide for absentee balloting by its members? Yes. The act provides that each member is entitled to one vote. Under certain conditions, voting in person may place an unusual burden on a significant number of members. There may be a considerable distance between the worksite and the polling place, for example, or the nature of the members' occupations, their hours of work, or the like may make it difficult for them to reach the polling place. If this is the case and additional polling places are not provided, absentee balloting may be necessary to insure compliance with the act's requirement that each member in good standing be entitled to one vote. Specific examples of members who may be entitled to an absentee ballot include sailors at sea, over-the-road truck drivers, construction workers at distant work locations, and musicians and stagehands on tour.

May the ballots be destroyed or mutilated after they have been counted? No. They must be kept for 1 year following the election by the election officials of the union. If no such officials have been designated, the union secretary must perform this function.

May a nonunion member be an election observer? A candidate is free to select a nonunion member as an observer if there is no union rule or regulation to the contrary.

Where there is more than one polling place and the polls are open all day long, may more than one observer be used? Yes. A candidate may have an observer present at each polling place and at each location or table where ballots are counted. There is no objection to having one observer relieve another if the polling hours are long.

Summary

- Local union elections required by the act must be held by secret ballot.
- All members in good standing have the right to vote, subject to reasonable rules, uniformly imposed.
- Rules for voting eligibility must apply to all equally, and special classes of nonvoting members normally may not be created.
- Notice of election must be mailed to each member in good standing at his last known home address not less than 15 days before the election.
- Ballots of each local must be counted and the results published separately.
- All ballots, including used, unused, and challenged ballots, envelopes used to return marked ballots, tally sheets, and related election documents, must be kept for 1 year.
- Each candidate has the right to have observers at each of the polling and tallying places.
- A member may not be penalized, disciplined, or improperly interfered with in the exercise of his right to support the candidate of his choice. Reprisals of any kind are not permitted.
- Additional requirements may be prescribed by the constitution and bylaws of the union if they are not inconsistent with the requirements of the act.
- Officers of intermediate or national and international labor organizations may be elected either directly by secret ballot of members or indirectly by officers of constitutent locals or delegates elected by secret ballot for that purpose.
- Officers elected by secret ballot may also be voting delegates to intermediate bodies or national and international unions if the constitution and bylaws so provide.

6. Protesting elections

Any Member May File a Complaint

Any member of a union subject to the LMRDA who has met the requirements set forth below may file a complaint with the Secretary of Labor alleging that the provisions of title IV have been violated in a regular election of officers of his union. (See "Enforcement under the CSRA," page 21, for complaint procedures in unions subject to the CSRA.) Complaints should be in writing addressed to the Secretary of Labor and filed with the nearest field office of the Office of Labor-Management Standards (OLMS). (A list of OLMS field offices is given at the back of this booklet.) These complaints may also include violations of the election provisions of a union's constitution and bylaws, if the provisions are not inconsistent with the act.

Available Remedies Must Have Been Invoked or Exhausted

Timetable for Invoking Internal Remedies. Before a member files a complaint with the Secretary, one of the two following conditions must exist:

- The member must have exhausted the remedies available to him under the constitution and bylaws of the union and its parent body; or
- The member must have invoked the remedies available to him under the constitution and bylaws of the union and its parent body without obtaining a final decision within 3 calendar months after invoking them.

If the union does not have specific election appeals procedures, the member must invoke whatever appropriate appeals procedure may be available under the constitution and bylaws of the union. If no appropriate appeals procedure is available, he should submit a written protest within a reasonable time after the election. If the member does not become aware of a violation until after the election is completed, he should submit the protest within a reasonable time after he discovers the violation.

Contents of Internal Complaint. Because the Secretary's authority to bring a civil action may be limited in certain instances to the charges filed by the member with his union, the member should list in his internal union protest all violations of which he is aware. The complaint should list all violations of the provisions of title IV. It should also include any violations of the provisions of the union constitution and bylaws, when these provisions are consistent with title IV. In addition, if any provisions of the constitution and bylaws are inconsistent with title IV and have been applied during the election, the use of these provisions should be included in the complaint.

Filing a Complaint with the Secretary

Timetable of a Complaint to the Secretary. If a member receives an unfavorable final decision within 3 calendar months after invoking his available internal union remedies, he may file a complaint with the Secretary. The complaint must be received by the Secretary or his authorized agents within 1 calendar month after the member has received the unfavorable final decision.

If a member does not receive a final decision within 3 calendar months after invoking his available internal union remedies, he may do either of the following:

- File a complaint with the Secretary that must be received by the Secretary or his authorized agents within 1 calendar month after the 3-calendar-month period has expired; or
- Wait until he has exhausted the available remedies within his union even though this may take more than 3 calendar months. In this case, if the final decision is unfavorable, the complaint must be received by the Secretary or his authorized agents within 1 calendar month after the member has received the unfavorable final decision.

Contents of Complaint to the Secretary. The complaint to the Secretary should contain a brief statement of all facts that the member has alleged in his complaint to the union to be violations of either title IV of the act or the election provisions of his union's constitution and bylaws that are consistent with title IV.

The Role of the Secretary

The Secretary is required to investigate each complaint of a union election violation filed in accordance with the procedure outlined in the paragraphs above. If he finds probable cause to believe that a violation has occurred and has not been remedied, the act provides that he shall bring a civil action against the union in a Federal district court within 60 days after the complaint has been filed.

The Supreme Court has ruled in *Hodgson* v. *Local Union 6799, Steelworkers Union of America,* 402 U.S. 333, 91 S.Ct. 1841, 77 LRRM 2497, 65 L.C. ¶11,802 (1971) that the Secretary may not allege in his civil action a violation known to the protesting member but not raised in the member's protest to the union. Accordingly, the Secretary's actions are limited to

matters that are reasonably within the scope of the member's internal protest or that the member could not have been aware of.

Violations of the election provisions of the act that occurred in the conduct of an election are not grounds for setting aside the election unless they "may have affected the outcome." Therefore, the Secretary will not institute court proceedings unless he finds, after investigating a complaint, probable cause to believe that the violations may have affected the outcome of the election. For example, if one member was improperly denied the right to vote but all election contests were won by more than one vote, the Secretary would not bring a civil action because the violation could not have affected the election outcome for any office.

The Supreme Court has ruled in *Dunlop* v. *Bachowski*, 421 U.S. 560, 95 S.Ct. 1851, 89 LRRM 2435, 77 L.C. ¶10,872 (1975), that the Secretary must provide the concerned parties with a statement setting forth the basis for his determination not to take action on an election complaint in a particular case. Further, the Supreme Court held that the Secretary's statement and reasons for his determination not to act are subject to limited judicial review to determine whether the Secretary's determination was so irrational as to be "arbitrary and capricious."

The Role of the Federal District Court

In any action brought by the Secretary as described above, if upon a preponderance of evidence after a trial upon the merits, the Federal district court finds—

- An election was not held within the time prescribed by title IV, or
- A violation of title IV provisions may have affected the outcome of an election,

the act provides that the court shall declare the election void, and order a new election conducted under the Secretary's supervision and, insofar as is lawful and practicable, in conformity with the union's constitution and bylaws.

Validity of Challenged Elections

Elections challenged by a member are presumed valid pending a final decision. The act provides that, in the interim, the affairs of the union shall be conducted by the elected officers or in whatever other manner the union's constitution and bylaws provide. After a suit is filed by the Secretary in a Federal district court, however, the court has power to take appropriate action to preserve the union's assets.

Violation of Title III—Trusteeship Standards

When a violation of the provision for election of delegates in unions under trusteeship is alleged, the procedure for complaint is governed by sec. 304 of the act. In some cases the complaint procedures under title IV of the act may also apply—for example, when a trusteeship has been imposed over part of the local union's functions, but an election of voting delegates to the parent union's convention is held in the local union. Sec. 304 directs the Secretary, upon the filing of a written complaint by any union member or subordinate union under trusteeship, to investigate alleged violations. If he finds probable cause to believe a violation has occurred and has not been remedied, he shall bring a civil action in a U.S. district court for appropriate relief (including injunctions). Any such union member or subordinate union may also bring a civil action in a U.S. district court for appropriate relief (including injunctions).

Enforcement under the CSRA

For a complaint alleging violation of election provisions by a union subject solely to the CSRA, a union member must first exhaust his internal union remedies or pursue them for 3 calendar months without obtaining a final decision. He may then file a complaint with the OLMS within 1 calendar month. After an OLMS area administrator investigates the complaint, he submits a report to the Director of the Office of Elections, Trusteeships and International Union Audits. If the Director finds probable cause to believe a violation has occurred, has not been corrected, and may have affected the outcome of the election, he then proceeds as the complainant in an administrative action. In the administrative action, a Labor Department administrative law judge holds a hearing and then prepares a report and recommendation. After consideration of the report and recommendation, the Assistant Secretary for Labor-Management Standards issues a decision and order.

Enforcement of the CSRA's trusteeship requirements is by the Director acting either on his own initiative or in response to a complaint. For a more detailed description of the administrative enforcement procedures, consult the Labor Department's standards of conduct regulations (29 CFR Parts 457-459) and the pamphlet *Rights and Responsibilities under the LMRDA and the CSRA*, available at OLMS field offices in the cities listed on page 36.

Summary

- Enforcement of the election provisions of the LMRDA is through a member's complaint filed with the Secretary of Labor.
- Complaints should list all violations of which the member is aware.
- Member must exhaust internal union remedies or pursue them for 3 months; he then has 1 month to file a complaint with the Secretary.
- If the Secretary's investigation reveals probable cause to believe a violation that may have affected the outcome has occurred and has not been remedied, he shall bring civil suit in U.S. district court.
- If the court finds the violation may have affected the outcome of the election, it shall declare the election void and order a new election.
- A challenged election is presumed valid pending a final decision.
- Election procedures in a union subject solely to the CSRA are enforced through administrative action initiated by a member's complaint to OLMS after he has exhausted internal union remedies or pursued them for 3 months.

7. Relation of the bill of rights to the election provisions

Congress determined that certain basic rights should be guaranteed to union members, and these are listed in title I of the LMRDA as a bill of rights. Similar rights for members of unions subject to the CSRA are listed in 29 CFR 258.2. Of particular importance in connection with elections are provisions for equal rights, freedom of speech and assembly, protection of the right to sue, and safeguards against improper disciplinary action. (See Appendix B for the complete text of the provisions of the LMRDA.) Any provision in a union's constitution and bylaws that is inconsistent with the bill of rights is declared to be of no force or effect.

Equal Rights

All union members have equal rights and privileges in nominating candidates for union office, voting in union elections and referendums, and attending and participating in membership meetings, subject only to reasonable rules and regulations in the union's constitution and bylaws.

Freedom of Speech and Assembly

Each union member has the right to meet with other members to express any views, arguments, or opinions, and (subject to established and reasonable union rules for conducting meetings) to express at meetings his views on candidates for union office and business that is properly presented at the meetings. However, these rights of members do not impair the right of a union to adopt and enforce reasonable rules defining the responsibility of members to the union and restraining conduct by members that would interfere with the union in carrying out its contracts and other legal responsibilities.

Protection of the Right to Sue

The right of a union member to bring any suit or administrative proceeding (regardless of whether it is against the union or its officers) or to appear as a witness or communicate with legislators may not be limited by the union. However, a member may be required to pursue, for up to 4 months, reasonable hearing procedures provided by the union before bringing a suit or administrative proceeding against the union or any of its officers. Also, interested employers or associations of employers may not support or participate in union members' suits, proceedings, appearances, or communications unless they do so openly as involved parties.

Safeguards against Improper Disciplinary Action

A union may not discipline, fine, suspend, or expel a member (except for nonpayment of dues) unless it first serves the member with a written list of the specific charges, gives a reasonable time to prepare a defense, and affords a full and fair hearing.

Enforcement of the Bill of Rights

Unions subject to the LMRDA. Enforcement of title I rights as such (except rights under sec. 104) is limited to a civil suit in a district court of the United States by the person whose rights have been infringed. The Secretary of Labor is given no authority to enforce the members' rights enumerated in title I with the exception of sec. 104 (which concerns the availability of collective bargaining agreements to members and to employees whose rights are affected by the agreements).

Sec. 102 of the act includes the provision that a member seeking redress for denial of rights contained in title I may apply for an injunction. In the exercise of title I rights with regard to elections, if application for an injunction is made, it must be made before the election in question is held (see "Application of Other Laws," below).

Sec. 609 makes it unlawful for any union, its officers or employees to discipline any member for exercising the rights to which he is entitled under the act, either by expulsion, suspension, fine, or otherwise. Sec. 609 is enforceable by private civil suit only.

In some cases, the remedies for infringements of title I may not be confined to private civil suits. The use of violence or threats of violence in connection with an infringement of title I may be a violation of sec. 610. Sec. 610 makes it a crime to deprive a person of any rights under the act by use of violence or threats of violence. Complaints under this section of the act should be brought directly to the Secretary's authorized agent (the nearest area administrator of the OLMS) or to the nearest U.S. attorney.

Unions subject to the CSRA. A member of a Federal employees' union subject solely to the CSRA who believes his rights under the bill of rights or 29 CFR 458.37, "Prohibition of certain discipline," have been violated may seek appropriate relief through filing a complaint with the OLMS. He may first be required, however, to exhaust his internal union remedies for up to 4 months. Administrative enforcement action within OLMS involves a hearing before a Labor Department administrative law judge.

the judge's report and recommendation, and a decision and order by the Assistant Secretary. The member is the complainant at the hearing and bears the burden of presenting sufficient evidence to prove his allegations.

Enforcement of complaints alleging deprivation of rights through violence (29 CFR 458.38) may be initiated either by a member's complaint with the OLMS or by order of an OLMS area administrator, and is carried out through subsequent administrative action. A more detailed description of the administrative enforcement procedures is available in the Labor Department's standards of conduct regulations (29 CFR Parts 457-459) and in the pamphlet *Rights and Responsibilities under the LMRDA and the CSRA*, available at OLMS field offices in the cities listed on page 36.

Summary

- Sections of title I that have a bearing on the election provisions (title IV) of the LMRDA are:
  - A. The guarantee of equal rights in nominating, voting, etc., subject to reasonable rules and regulations of the union's constitution and bylaws;
  - B. The guarantee of freedom of speech and assembly, and the freedom to express views on candidates in an election, subject to the union's established and reasonable rules in its constitution and bylaws;
  - C. The protection of the rights to sue, to appear as a witness, and to petition legislators, subject to invocation of reasonable hearing procedures within the union and subject to the prohibition against employer assistance in the exercise of these rights; and
  - D. The guarantee against improper disciplinary action by a union or any of its officers.
- Enforcement of these rights under the LMRDA is limited to civil suits brought in U.S. district court. The Secretary of Labor is given no authority to enforce these sections of title I, or sec. 609, which protects union members from union discipline for exercising the rights granted by the act. However, violations of sec. 610, which prohibits depriving any person of any rights under the act by the use or threatened use of violence, are subject to criminal sanctions.
- Enforcement of the bill of rights and limitations on discipline under the CSRA is carried out through a member's complaint, followed by OLMS administrative action with the member as complainant. Enforcement of the prohibition on the use or threatened use of violence in depriving members of their rights is carried out by an OLMS area administrator, acting on his own initiative or in response to a member's complaint.

8. Application of other laws

The election provisions (title IV) also state that unions shall not be required by law to conduct elections either more frequently, or in another form or manner, than is provided in the act or in the union's own constitution and bylaws if they are not inconsistent with the act.

Only the procedures provided in title IV may be followed in contesting an election that has already been held. Existing rights and remedies to enforce a union's constitution and bylaws before an election, however, are unaffected by title IV.

Except where explicitly provided to the contrary, nothing in the act shall take away any right or bar any remedy of any union member under any other Federal or State law.

9. Election procedures checklist

Can your union answer "yes" to all questions?

Yes	No	
( )	( )	Are elections held within the 3-, 4-, or 5-year limit prescribed by the act?
		Do members receive reasonable opportunity for nomination, including notice of the:
( )	( )	A. Offices to be filled;
( )	( )	B. Time for submitting nominations;
( )	( )	C. Place for submitting nominations; and
( )	( )	D. Proper form for submitting nominations?
( )	( )	Do members have reasonable time to nominate candidates?
( )	( )	Do all members in good standing have an opportunity to be nominated, subject only to reasonable qualifications uniformly imposed?
( )	( )	Are rules governing eligibility for nomination fair, reasonable, and uniformly imposed?
( )	( )	Do all candidates have equal opportunity to use membership lists, distribute literature, and campaign for office?
( )	( )	If there is a union-shop, maintenance-of-membership, or similar agreement, do all bona fide candidates have the opportunity to inspect membership lists of all members covered by the union-security clause, once within 30 days before the election?
( )	( )	Are no funds received from dues, assessments, or similar levies used to promote the candidacy of any person? Are no employer funds so used?
( )	( )	Are all officers and all delegates to conventions at which they vote for officers elected by secret ballot?
( )	( )	Do all members in good standing have an opportunity to vote, limited only by reasonable rules uniformly imposed?
( )	( )	Are election notices mailed to members at least 15 days before elections?
( )	( )	Are candidates given the opportunity to have observers at each polling place and at each place where the ballots are counted?
( )	( )	Can members support candidates of their choice without being subject to penalty, discipline, improper interference, or reprisal of any kind?
( )	( )	Do election procedures conform to the constitution and bylaws and are they consistent with the provisions of the act?
( )	( )	If there are persons barred under sec. 504(a) of the LMRDA or 29 CFR 458.36, have they been disqualified from seeking and holding office?
( )	( )	Are the ballots of each local counted and a report showing the vote by locals published separately in elections required to be held by title IV of the act?
( )	( )	Are ballots and other election records preserved for at least 1 year?

Appendix A.
Electing union officers by mail: Suggestions and safeguards

This appendix contains suggestions on conducting secret ballot elections by mail. It is advisory only, intended as an information aid to unions. Its purpose is to suggest procedures that will help insure the secrecy of the ballot and a fair election in unions that elect officers by mail.

Officials in charge of conducting a union officer election are responsible for protecting the right of every member to vote by secret ballot. Each candidate also is entitled to certain rights, including the right to have observers at each polling place and at each place where the ballots are counted. Since adequate safeguards must be provided to insure a fair election, observers also must be permitted to observe all of the mail balloting processes, including the preparation, mailing, and collecting of ballots. Balloting by mail includes these steps:

- Preparing a membership and voter eligibility list;
- Preparing and mailing election notices and ballots;
- Collecting and tallying ballots; and
- Postelection requirements.

Preparing a Membership and Voter Eligibility List

All members are entitled to 15 days' mail notice of the election whether or not they are eligible to vote. Each eligible voter is entitled to a ballot. Therefore, a list of members and eligible voters should be prepared before the date election notices and ballots are to be mailed.

The list should be accurate, complete, and current. It should contain each member's full name and last known address; identification information, such as a clock number or union card number; and voter eligibility information.

The ballot with voting instructions can also serve as a notice of election if it is mailed at least 15 days before the ballot must be mailed back in order to be counted.

Preparing and Mailing Election Notices and Ballots

The double-envelope system—the method most commonly used to insure the secrecy of the ballot—includes these steps:

- Each member eligible to vote should receive:
  - A. Notice of election and instructions for voting;
  - B. One official unmarked ballot;
  - C. One ballot envelope; and
  - D. One return-addressed envelope, with voter identification number or space for such a number, and space for the voter's name and address in the upper left corner.
- Items A through D should be placed in a larger envelope and mailed to the eligible voter at his last-known home address at least 15 days before the date the ballot must be mailed back in order to be counted. These items should be mailed first class to insure prompt delivery and forwarding, if necessary.
- All ballots, used and unused, and all election records must be preserved and accounted for. A certification of the exact number of ballots printed and delivered should be obtained from the printer. A certification of the exact number of ballots mailed to the members should be obtained from postal officials. Also, arrangements should be made to have undelivered ballots returned to the union's election committee (or other group of responsible members or officials) for accounting purposes and possible remailing, subject to the rights of candidates to have their observers present during these activities.
- Instructions to members must specify the cutoff date for counting the returned marked ballots.
- Voting instructions should include the following:
  - A. Mark an "x" or "√" in the squares next to the names of the candidates of your choice. Do not mark the ballot in any other way.
  - B. Place the marked ballot in the ballot envelope and seal. Do not mark the ballot envelope.
  - C. Insert the ballot envelope in the return-addressed envelope.
  - D. Place your name, address, and membership number (or other required identification) in the space provided on the return-addressed envelope.
  - E. Mark and mail your ballot in time to arrive at the designated return address before (time, month, day, and year).*
  - F. Ballot secrecy can be maintained only if you follow instructions and personally mark and mail your ballot.

*If this method is used, provide sufficient time for the delivery of the ballots from all mailing points at which members are located to be sure that all members will have had the required 15 days' notice before mailing back the ballots. If a postmark date is used, ballots that arrive at the receiving point without a postmark or with the postmark obliterated must be counted if received by the date the ballots are counted.

Collecting and Tallying Ballots

Prior arrangement should be made with postal officials not to release ballots except to authorized election officials in the presence of candidates or their observers at the scheduled time for the pickup.

Ballots should be picked up at the previously designated time, date, and place and brought to the pre-announced tally site. The tally should be conducted promptly by the authorized election officials, all in the presence of candidates or their observers.

In conducting the tally, election officials should:

- Establish the identity and eligibility of the voter;
- Separate the ballot envelope from the return envelope, preserving the return envelope;
- Upon completing the above steps, remove the ballot from the ballot envelope and stack the ballots in lots of 25, 50, or 100 for tallying;
- Tally the ballots by reading the voter's choice for each office, entering the results on the tally sheets, and rechecking the totals of each lot tallied for accuracy; and
- Have election officials and preferably also the observers initial or sign the tally sheets, certifying their accuracy.

Only election officials and authorized clerical personnel should handle the ballots and the election records, and always within the view of the observers.

Postelection Requirements

Publish election results either by announcement, posting, newspaper, or other suitable method or combination of methods. If the election involves more than one local, the voting returns from each local must be separately tallied and published.

All election records, including membership and eligibility lists, copies of nomination and election notices, voting instructions, all return envelopes, marked, challenged, and unused ballots, and tally sheets must be preserved for 1 year by the election official designated in the constitution and bylaws or, if none is designated, by the union secretary.

Appendix B. Excerpts from the Labor-Management Reporting and Disclosure Act of 1959, as Amended (LMRDA)

Definitions (29 U.S.C. 402)

Sec. 3. For the purposes of titles I, II, III, IV, V (except section 505), and VI of this Act . . .

(k) "Secret ballot" means the expression by ballot, voting machine, or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed . . .

(n) "Officer" means any constitutional officer, any person authorized to perform the functions of president, vice president, secretary, treasurer, or other executive functions of a labor organization, and any member of its executive board or similar governing body.

(o) "Member" or "member in good standing", when used in reference to a labor organization, includes any person who has fulfilled the requirements for membership in such organization, and who neither has voluntarily withdrawn from membership nor has been expelled or suspended from membership after appropriate proceedings consistent with lawful provisions of the constitution and bylaws of such organization . . . .

TITLE I—BILL OF RIGHTS OF MEMBERS OF LABOR ORGANIZATIONS

Bill of Rights (29 U.S.C. 411)

Sec. 101. (a)(1) Equal Rights. Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) Freedom of Speech and Assembly. Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided,* That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations . . .

(4) Protection of the Right To Sue. No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceeding, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: *Provided,* That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a four-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organization or any officer thereof: *And provided further,* That no interested employer or employer association shall directly or indirectly finance, encourage, or participate in, except as a party, any such action, proceeding, appearance, or petition.

(5) Safeguards Against Improper Disciplinary Action. No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined except for nonpayment of dues by such organization or by any officer thereof unless such member has been (A) served with written specific charges; (B) given a reasonable time to prepare his defense; (C) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall be of no force or effect.

Civil Enforcement (29 U.S.C. 412)

Sec. 102. Any person whose rights secured by the provisions of this title have been infringed by any violation of this title may bring a civil action in a district court of the United States for such relief (including injunctions) as may be appropriate. Any such action

against a labor organization shall be brought in the district court of the United States for the district where the alleged violation occurred, or where the principal office of such labor organization is located.

Retention of Existing Rights (29 U.S.C. 413)

Sec. 103. Nothing contained in this title shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

Right to Copies of Collective Bargaining Agreements (29 U.S.C. 414)

Sec. 104. It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each collective bargaining agreement made by such labor organization with any employer to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. The provisions of section 210 shall be applicable in the enforcement of this section.

TITLE IV—ELECTIONS

Terms of Office; Election Procedures (29 U.S.C. 481)

Sec. 401. (a) Every national or international labor organization, except a federation of national or international labor organizations, shall elect its officers not less often than once every five years either by secret ballot among the members in good standing or at a convention of delegates chosen by secret ballot.

(b) Every local labor organization shall elect its officers not less often than once every three years by secret ballot among the members in good standing.

(c) Every national or international labor organization, except a federation of national or international labor organizations, and every local labor organization, and its officers, shall be under a duty, enforceable at the suit of any bona fide candidate for office in such labor organization in the district court of the United States in which such labor organization maintains its principal office, to comply with all reasonable requests of any candidate to distribute by mail or otherwise at the candidate's expense campaign literature in aid of such person's candidacy to all members in good standing of such labor organization and to refrain from discrimination in favor of or against any candidate with respect to the use of lists of members, and whenever such labor organizations or its officers authorize the distribution by mail or otherwise to members of campaign literature on behalf of any candidate or of the labor organization itself with reference to such election, similar distribution at the request of any other bona fide candidate shall be made by such labor organization and its officers, with equal treatment as to the expense of such distribution. Every bona fide candidate shall have the right, once within 30 days prior to an election of a labor organization in which he is a candidate, to inspect a list containing the names and last known addresses of all members of the labor organization who are subject to a collective bargaining agreement requiring membership therein as a condition of employment, which list shall be maintained and kept at the principal office of such labor organization by a designated official thereof. Adequate safeguards to insure a fair election shall be provided, including the right of any candidate to have an observer at the polls and at the counting of the ballots.

(d) Officers of intermediate bodies, such as general committees, system boards, joint boards, or joint councils, shall be elected not less often than once every four years by secret ballot among the members in good standing or by labor organization officers representative of such members who have been elected by secret ballot.

(e) In any election required by this section which is to be held by secret ballot a reasonable opportunity shall be given for the nomination of candidates and every member in good standing shall be eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed) and shall have the right to vote for or otherwise support the candidate or candidates of his choice, without being subject to penalty, discipline, or improper interference or reprisal of any kind by such organization or any member thereof. Not less than fifteen days prior to the election notice thereof shall be mailed to each member at his last known home address. Each member in good standing shall be entitled to one vote. No member whose dues have been withheld by his employer for payment to such organization pursuant to his voluntary authorization provided for in a collective bargaining agreement shall be declared ineligible to vote or be a candidate for office in such organization by reason of alleged delay or default in the payment of dues. The votes cast by members of each local labor organization shall be counted, and the results published, separately. The election officials designated in the constitution and bylaws or the secretary, if no other official is designated, shall preserve for one year the ballots and all other records pertaining to the election. The election shall be conducted in accordance with the constitution and bylaws of such organization insofar as they are not inconsistent with the provisions of this title.

(f) When officers are chosen by a convention of delegates elected by secret ballot, the convention shall be conducted in accordance with the constitution and bylaws of the labor organization insofar as they are not inconsistent with the provisions of this title. The officials designated in the constitution and bylaws or the secretary, if no other is designated, shall preserve for one year the credentials of the delegates and all minutes and other records of the convention pertaining to the election of officers.

(g) No moneys received by any labor organization by way of dues, assessment, or similar levy, and no moneys of an employer shall be contributed or applied to promote the candidacy of any person in an election subject to the provisions of this title. Such moneys of a labor organization may be utilized for notices, factual statements of issues not involving candidates, and other expenses necessary for the holding of an election.

(h) If the Secretary, upon application of any member of a local labor organization, finds after hearing in accordance with the Administrative Procedure Act that the constitution and bylaws of such labor organization do not provide an adequate procedure for the removal of an elected officer guilty of serious misconduct, such officer may be removed, for cause shown and after notice and hearing, by the members in good standing voting in a secret ballot conducted by the officers of such labor organization in accordance with its constitution and bylaws insofar as they are not inconsistent with the provisions of this title.

(i) The Secretary shall promulgate rules and regulations prescribing minimum standards and procedures for determining the adequacy of the removal procedures to which reference is made in subsection (h).

Enforcement (29 U.S.C. 482)

Sec. 402. (a) A member of a labor organization—

(1) who has exhausted the remedies available under the constitution and bylaws of such organization and of any parent body, or

(2) who has invoked such available remedies without obtaining a final decision within three calendar months after their invocation,

may file a complaint with the Secretary within one calendar month thereafter alleging the violation of any provision of section 401 (including violation of the constitution and bylaws of the labor organization pertaining to the election and removal of officers). The challenged election shall be presumed valid pending a final decision thereon (as hereinafter provided) and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

(b) The Secretary shall investigate such complaint and, if he finds probable cause to believe that a violation of this title has occurred and has not been remedied, he shall, within sixty days after the filing of such complaint, bring a civil action against the labor

organization as an entity in the district court of the United States in which such labor organization maintains its principal office to set aside the invalid election, if any, and to direct the conduct of an election or hearing and vote upon the removal of officers under the supervision of the Secretary and in accordance with the provisions of this title and such rules and regulations as the Secretary may prescribe. The court shall have power to take such action as it deems proper to preserve the assets of the labor organization.

(c) If, upon a preponderance of the evidence after a trial upon the merits, the court finds—

(1) that an election has not been held within the time prescribed by section 401, or

(2) that the violation of section 401 may have affected the outcome of an election,

the court shall declare the election, if any, to be void and direct the conduct of a new election under supervision of the Secretary and, so far as lawful and practicable, in conformity with the constitution and bylaws of the labor organization. The Secretary shall promptly certify to the court the names of the persons elected, and the court shall thereupon enter a decree declaring such persons to be the officers of the labor organization. If the proceeding is for the removal of officers pursuant to subsection (h) of section 401, the Secretary shall certify the results of the vote and the court shall enter a decree declaring whether such persons have been removed as officers of the labor organization.

(d) An order directing an election, dismissing a complaint, or designating elected officers of a labor organization shall be appealable in the same manner as the final judgment in a civil action, but an order directing an election shall not be stayed pending appeal.

Application of Other Laws (29 U.S.C. 483)

Sec. 403. No labor organization shall be required by law to conduct elections of officers with greater frequency or in a different form or manner than is required by its own constitution or bylaws, except as otherwise provided by this title. Existing rights and remedies to enforce the constitution and bylaws of a labor organization with respect to elections prior to the conduct thereof shall not be affected by the provisions of this title. The remedy provided by this title for challenging an election already conducted shall be exclusive. . . .

TITLE V—SAFEGUARDS FOR LABOR ORGANIZATIONS

Prohibition Against Certain Persons Holding Office (29 U.S.C. 504)

Sec. 504.(a) No person who is or has been a member of the Communist Party* or who has been convicted of, or served any part of a prison term resulting from his conviction of, robbery, bribery, extortion, embezzlement, grand larceny, burglary, arson, violation of narcotics laws, murder, rape, assault with intent to kill, assault which inflicts grievous bodily injury, or a violation of title II or III of this Act, any felony involving abuse or misuse of such person's position or employment in a labor organization or employee benefit plan to seek or obtain an illegal gain at the expense of the members of the labor organization or the beneficiaries of the employee benefit plan, or conspiracy to commit any such crimes or attempt to commit any such crimes, or a crime in which any of the foregoing crimes is an element, shall serve or be permitted to serve—

(1) as a consultant or advisor to any labor organization,

(2) as an officer, director, trustee, member of any executive board or similar governing body, business agent, manager, organizer, employee, or representative in any capacity of any labor organization,

(3) as a labor relations consultant or adviser to a person engaged in an industry or activity affecting commerce, or as an officer, director, agent, or employee of any group or association of

*The U.S. Supreme Court, on June 7, 1965, held unconstitutional as a bill of attainder the section 504 provision which imposes criminal sanctions on Communist Party members for holding union office (*U.S.* v. *Brown*, 381 U.S. 437, 85 S. Ct. 1707).

employers dealing with any labor organization, or in a position having specific collective bargaining authority or direct responsibility in the area of labor-management relations in any corporation or association engaged in an industry or activity affecting commerce, or

(4) in a position which entitles its occupant to share of the proceeds of, or as an officer or executive or administrative employee of, any entity whose activities are in whole or substantial part devoted to providing goods or services to any labor organization, or

(5) in any capacity, other than in his capacity as a member of such labor organization, that involves decisionmaking authority concerning, or decision-making authority over, or custody of, or control of the moneys, funds, assets, or property of any labor organization,

during or for the period of thirteen years after such conviction or after the end of such imprisonment, whichever is later, unless the sentencing court on the motion of the person convicted sets a lesser period of at least three years after such conviction or after the end of such imprisonment, whichever is later, or unless prior to the end of such period, in the case of a person so convicted or imprisoned, (A) his citizenship rights, having been revoked as a result of such conviction, have been fully restored, or (B) the United States Parole Commission determines that such person's service in any capacity referred to in clauses (1) through (5) would not be contrary to the purposes of this section. Prior to making any such determination the Commission shall hold an administrative hearing and shall give notice of such proceeding by certified mail to the Secretary of Labor and to State, county, and Federal prosecuting officials in the jurisdiction or jurisdictions in which such person was convicted. The Commission's determination in any such proceeding shall be final. No person shall knowingly hire, retain, employ, or otherwise place any other person to serve in any capacity in violation of this subsection.

(b) Any person who willfully violates this section shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(c) For the purpose of this section—

(1) A person shall be deemed to have been "convicted" and under the disability of "conviction" from the date of the judgment of the trial court, regardless of whether that judgment remains under appeal.

(2) A period of parole shall not be considered as part of a period of imprisonment.

(d) Whenever any person—

(1) by operation of this section, has been barred from office or other position in a labor organization as a result of a conviction, and

(2) has filed an appeal of that conviction,

any salary which would be otherwise due such person by virtue of such office or position, shall be placed in escrow by the individual employer or organization responsible for payment of such salary. Payment of such salary into escrow shall continue for the duration of the appeal or for the period of time during which such salary would be otherwise due, whichever period is shorter. Upon the final reversal of such person's conviction on appeal, the amounts in escrow shall be paid to such person. Upon the final sustaining of such person's conviction on appeal, the amounts in escrow shall be returned to the individual employer or organization responsible for payments of those amounts. Upon final reversal of such person's conviction, such person shall no longer be barred by this statute from assuming any position from which such person was previously barred.

TITLE VI—MISCELLANEOUS PROVISIONS

Prohibition on Certain Discipline by Labor Organization (29 U.S.C. 529)

Sec. 609. It shall be unlawful for any labor organization, or any officer, agent, shop steward, or other representative of a labor organization, or any employee thereof to fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled under the provisions of this Act. The provisions of section 102 shall be applicable in the enforcement of this section.

Deprivation of Rights Under Act by Violence (29 U.S.C. 530)

Sec. 610. It shall be unlawful for any person through the use of force or violence, or threat of the use of force or violence, to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of this Act. Any person who willfully violates this section shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

Appendix C. Excerpts from title VII of the Civil Service Reform Act of 1978—Federal Service Labor-Management Relations

5 U.S.C. 7120. Standards of conduct for labor organizations.

(a) An agency shall only accord recognition to a labor organization that is free from corrupt influences and influences opposed to basic democratic principles. Except as provided in subsection (b) of this section, an organization is not required to prove that it is free from such influences if it is subject to governing requirements adopted by the organization or by a national or international labor organization or federation of labor organizations with which it is affiliated, or in which it participates, containing explicit and detailed provisions to which it subscribes calling for—

(1) the maintenance of democratic procedures and practices including provisions for periodic elections to be conducted subject to recognized safeguards and provisions defining and securing the right of individual members to participate in the affairs of the organization, to receive fair and equal treatment under the governing rules of the organization, and to receive fair process in disciplinary proceedings;

(2) the exclusion from office in the organization of persons affiliated with communist or other totalitarian movements and persons identified with corrupt influences; . . .

(b) Notwithstanding the fact that a labor organization has adopted or subscribed to standards of conduct as provided in subsection (a) of this section, the organization is required to furnish evidence of its freedom from corrupt influences or influences opposed to basic democratic principles if there is reasonable cause to believe that—

(1) the organization has been suspended or expelled from, or is subject to other sanction, by a parent labor organization, or federation of organizations with which it had been affiliated, because it has demonstrated an unwillingness or inability to comply with governing requirements comparable in purpose to those required by subsection (a) of this section; or

(2) the organization is in fact subject to influences that would preclude recognition under this chapter.

(c) A labor organization which has or seeks recognition as a representative of employees under this chapter shall file financial and other reports with the Assistant Secretary for Labor-Management Standards, provide for bonding of officials and employees of the organization, and comply with trusteeship and election standards.

(d) The Assistant Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section. Such regulations shall conform generally to the principles applied to labor organizations in the private sector. Complaints of violations of this section shall be filed with the Assistant Secretary. In any matter arising under this section, the Assistant Secretary may require a labor organization to cease and desist from violations of this section and require it to take such actions as he considers appropriate to carry out the policies of this section . . . .

Field offices

U.S. Department of Labor
Office of Labor-Management Standards

If you would like information, assistance, or publications concerning the LMRDA or the standards of conduct provisions of the CSRA, you may write or visit one of the OLMS field offices located in the following cities:

Atlanta, GA	Los Angeles, CA
Boston, MA	Miami, FL
Buffalo, NY	Minneapolis, MN
Chicago, IL	Nashville, TN
Cleveland, OH	New Haven, CT
Dallas, TX	New Orleans, LA
Denver, CO	New York, NY
Detroit, MI	Philadelphia, PA
East Orange, NJ	Pittsburgh, PA
Fort Wright, KY	San Francisco, CA
Hato Rey, PR	Seattle, WA
Honolulu, HI	St. Louis, MO
Houston, TX	Tampa, FL
Kansas City, MO	Washington, DC

OLMS also has Resident Investigative Offices in the following cities to provide all services except the disclosure of reports filed under the acts:

Birmingham, AL	Grand Rapids, MI

Consult your local telephone directory listings under United States Government, Labor Department, Office of Labor-Management Standards, for the address and telephone number of the nearest OLMS office.

☆ U.S. GOVERNMENT PRINTING OFFICE: 1986 - 491-543 - 814/54342

U.S. Department of Labor
Office of Labor-Management Standards
Washington, D.C. 20210

Official Business
Penalty for Private Use, $300

Postage and Fees Paid
U.S. Department of
Labor

Third Class Mail

Lab-441